

FILED

APR 24 2008

**U. S. DISTRICT COURT
E. DISTRICT OF MO.**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL GENDRON,

Defendant.

4:08CR00244RWS

INDICTMENT

COUNT ONE

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));

(b) "sexually explicit conduct" to mean actual or simulated--

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A));

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high

speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. §2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign telephone lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. On or about August 15, 2007, within the Eastern District of Missouri,

RUSSELL GENDRON,

the Defendant herein, did knowingly possess material that contains an image of child pornography that was produced using materials that traveled in interstate commerce, to wit, a generic black computer tower containing a Quantum Fireball hard drive that was produced outside Missouri and therefore has traveled in interstate or foreign commerce, and which contained child pornography, including but not limited to one of the following:

a) "dlg-52.jpg" - a graphic image file depicting a minor female masturbating a male; and

b) "dlg-53.jpg" - a graphic image file depicting a minor female performing oral sex on a male.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

A TRUE BILL.

FOREPERSON

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